

5
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 ON PAGE A-1

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SPY, THOUGHT DEAD, NOW REPORTED ALIVE

Soviet Said to Commute Sentence of Subject of Senate Inquiry

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Special to The New York Times

MOSCOW, Sept. 23 — A former Soviet official whose unmasking as an American spy is now under investigation by a Senate committee in Washington was not executed after his conviction but is still alive in a Soviet prison, his lawyer said today.

The underground agent, Anatoly N. Filatov, was sentenced to death on July 14, 1978, after a closed military trial in Moscow on charges of spying for an unnamed foreign power, according to the Soviet press agency Tass.

But his lawyer at the trial, Leonid M. Popov, said today that the sentence was never carried out. "It was commuted to 15 years in prison," he said after being reached by The New York Times. Mr. Filatov gave a full confession at the trial, Tass said.

The Senate Select Committee on Intelligence is investigating how a United States agent in Moscow with the code name Trigon was compromised in 1977. Trigon is widely believed to have been Mr. Filatov, although other possibilities have been suggested in Washington.

There have been unsubstantiated rumors that a high American official inadvertently revealed Trigon's identity. The rumors, which said David L. Aaron, deputy assistant to the President for national security affairs, was that official,

have been investigated by both the Central Intelligence Agency and the Federal Bureau of Investigation, and both agencies said they could find nothing to support the allegation that Mr. Aaron unmasked Trigon. The White House also called the allegations "completely unfounded."

There are indications that the Soviet Union may be saving Mr. Filatov to trade for Soviet spies uncovered in Washington, which might explain the bizarre twists the case has taken.

Two months after Mr. Filatov's reported conviction, a woman who said she was his wife, Tamara, materialized in the darkness of Red Army Park in downtown Moscow and told this correspondent and a colleague: "My husband worked for the Americans as an agent. Now he is counting on the mercy of President Carter to save him."

She said then that she had met her husband twice at Moscow's Lefortovo Prison after his trial. He told her he had tried to send a letter to President Carter from the jail but that it had been intercepted by the Soviet authorities. Her husband could face a firing squad "any minute" unless the Americans moved to save him, she said.

At the time, two Soviet officials in New Jersey were about to be tried on espionage charges, and diplomats in Moscow speculated that Mrs. Filatova's mysterious appearance was intended to suggest a swap for them.

Tass Gave Account of Trial

The two, Valdik A. Enger and Rudolf P. Chernyayev, were convicted and sentenced to 50 years each. In April 1979 they were traded for five imprisoned Soviet dissidents, including Aleksandr Ginz-

burg, who went to New York on the same plane that then took the two spies to Moscow.

Meanwhile, Mr. Filatov's sentence was commuted, although this fact has never been published in the Soviet press.

The Tass account of his secret trial, which began on July 10, 1978, said Mr. Filatov, who was born in 1940, had worked as a spy from February 1974 until his arrest in 1977.

He confessed at his trial, Tass said, that he had been blackmailed by a foreign intelligence service while on an official mission in Algeria. The agents, apparently American, set him up with a "loose woman," the account said, took detailed photographs and after recruiting him, trained him to use radio codes, ciphers, miniature cameras disguised as cigarette lighters and secret mail drops for passing on Soviet political, economic and military secrets.

In exchange, he allegedly confessed, he received money in cash and in secret foreign bank accounts.

Two committee members, Daniel Patrick Moynihan, Democrat of New York, and Malcolm Wallop, Republican of Wyoming, have asked the intelligence committee staff to examine the case.

Trigon disappeared in 1977, the year Mr. Filatov was arrested, after supplying the C.I.A. with abundant intelligence information.